

REMARKS

Reconsideration and allowance of this application are respectfully requested in light of the foregoing amendments and the following remarks.

Status of Claims

Claims 1-11 are pending. Claim 1 has been amended. Claims 12 and 13 are added.

Double Patenting Rejection

Applicant acknowledges the provisional obvious-type double patenting rejection based upon Applicant's co-pending application Serial No. 10/077,454 in view of Ullmann's. Applicant is having the terminal disclaimer executed and shall submit same in due course.

Section 103 Rejection

Claims 1-5 and 8-11 are rejected as being obvious in view of Sato in view of Peiffer et al ('181). Applicant respectfully disagrees for the following reasons.

Sato discloses a dry resist film (Abstract, column 1, line 7 - column 2, line 10) comprising a laminate polyester film. Base layer A has a surface roughness (Ra) of 5-100 nm (column 6, lines 37-44) and contains 0.2 - 20% weight of inorganic particles (column

5, lines 58-62) with an average particle diameter ranging from 0.01 - 3.0 $\mu$  (column 4, lines 6-20) and a narrow particle size distribution (column 4, lines 21-47). In the examples, the particle content ranged from 0.6 - 2% weight (TABLE 1).

Peiffer ('181) discloses a heat seal film wherein the heat sealable layer is a copolyester with ethylene naphthalate monomers.

The difference between the instant invention and Sato is that it is not directed to a packaging film.

This difference is significant. With regard to Sato, the skilled man would not necessarily look to that reference to suggest the instant invention because it is directed to a different problem. Moreover, merely because the references can be combined is not enough, there must still be a suggestion. MPEP 2143.01 (section citing Mills). In the instant situation, the suggestion is lacking because each inventor is dealing with a different problem. This art area is crowded because of the complex and diverse nature of the business. Polyester film for dry resist and for packaging are different. The end uses are different, as are the problems arising from their use. A film for one application will not automatically work in another area. Each application has its own unique requirements. Therefore, a film for one application may not suggest a solution for another application.

Conclusion

In view of the foregoing amendments and comments, Applicant respectfully requests an early Notice of Allowance in the instant application.

Respectfully submitted,

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See attached Limited Recognition  
Under 37.CFR\$10.9(b)

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